

campaign for another political office.

On Sept. 20, 1971,⁽⁸⁾ a leave of absence was granted without pay:

. . . Mr. Edwards of Louisiana, effective September 8, without pay, on account of the campaign for Governor of the State of Louisiana.

§ 6. Travel

There are three types of travel by individual Members for which they may receive allowances or reimbursement: travel to and from the home district; other domestic travel on official House business; and limited overseas travel on official House business. Allowances or reimbursement must be made pursuant to specific authorization, as the congressional compensation dictated by the Constitution⁽⁹⁾ only extends to pay for official services, and not to reimbursement for expenses incurred through performance of such duties.⁽¹⁰⁾

8. 117 CONG. REC. 32430, 92d Cong. 1st Sess.

9. U.S. Const. art. I, §6, clause 1.

10. Allowances are reimbursement for actual or presumed expenses and are additional and separable from the legal rate of compensation. *Smith v U.S.*, 158 U.S. 346 (1895).

Where there has been no congressional appropriation for a travel al-

Each Member is entitled to a mileage allowance for travel to and from each regular session of Congress.⁽¹¹⁾ The rate of reimbursement for such travel has been maintained at 20 cents a mile if by automobile, and at the actual cost of transportation if travel is by common carrier. Payments are computed on a basis of actual automobile speedometer readings, limited by a standard mileage guide, and are credited to the individual Member's account by the Sergeant at Arms at the beginning of each session.⁽¹²⁾

Each Member may also be reimbursed, at 12 cents a mile, for a certain number of round trips to his home district during the session.⁽¹³⁾ As alternate payment, a

allowance for an extra session of Congress, a Congressman cannot claim a constructive allowance as part of his compensation. *Wilson v U.S.*, 44 Ct. Cl. 428 (1909).

11. 2 USC §43. The provision applies to the Resident Commissioner from Puerto Rico and to the Delegates from Guam and the Virgin Islands (see 48 USC §1715).

12. Regulations of Travel Expenses, issued by the Committee on House Administration, Mar. 1, 1971, p. 20.

13. The number of round trips per session was formerly codified (see 2 USC §43b-1). In the 92d Congress, however, the Committee on House Administration became empowered by law to periodically review and ad-

Member or Delegate may elect to receive a lump-sum payment for transportation expenses each calendar year.⁽¹⁴⁾ Members are also authorized a home district travel allowance for employees on official business.⁽¹⁵⁾

In the event that a special or extraordinary session is convened in addition to the two regular sessions of a Congress, the House may provide by resolution for additional mileage allowance for the expense incurred.⁽¹⁶⁾ Where Congress fails to appropriate additional mileage expense for a special session, however, the Member must bear his own expense and cannot claim a “constructive” travel allowance.⁽¹⁷⁾

The Committee on House Administration has jurisdiction over measures relating to the travel of Members.⁽¹⁸⁾ In addition, the committee has been authorized to make periodic adjustments in all allowances of Members, including

just the allowances of Members, including the travel allowance (see §6.2, *infra*).

14. The lump-sum payment was formerly dictated by 2 USC §43b-1. The Committee on House Administration has since made adjustments to that amount (see §6.3, *infra*).
15. See §6.3, *infra*.
16. See §6.7, *infra*.
17. *Wilson v U.S.*, 44 Ct. Cl. 428 (1909).
18. See §6.1, *infra*.

the travel allowance, without any action required on the part of the House.⁽¹⁹⁾

The Sergeant at Arms keeps the accounts of mileage and disburses travel allowances to individual Members.⁽²⁰⁾ Before he may disburse such payment, however, the mileage account of each Member must be certified by the Speaker, if the House is in session,⁽¹⁾ or by the Clerk, if the House is not in session.⁽²⁾

Mileage accounts for trips to the home district during a session are paid out of the contingent fund of the House.⁽³⁾

The cost of other domestic travel outside the home district may be reimbursed by the House if the travel is undertaken on official House business. For example, travel for the purpose of performing committee business, such

19. See §6.2, *infra*.

20. 2 USC §78 and Rule IV, *House Rules and Manual* §649 (1973). Rule IV was amended by H. Res. 5, 92d Cong. 1st Sess., Jan. 22, 1971, and by H. Res. 1153, 92d Cong. 2d Sess., Oct. 13, 1972, to entitle Delegates and the Resident Commissioner to the services of the Sergeant at Arms.

1. 2 USC §48. The Speaker may designate a substitute to certify the mileage accounts of Members and Delegates. 2 USC §50.

2. 2 USC §49.

3. 2 USC §43b-1 and 2 USC §57.

as investigations, may be funded from a committee's budget.⁽⁴⁾ Likewise, where the House appoints a Member or Members to attend meetings or assemblies on behalf of the House, the House may by resolution authorize a travel allowance.⁽⁵⁾

Pursuant to regulations promulgated by the Committee on House Administration, the Speaker may designate persons not members or employees of a committee to assist in committee investigations and therefore obtain travel expenses.⁽⁶⁾

The third type of travel for which a Member may receive government funds is overseas travel. Such travel may be funded either through specific appropriations or through "counterpart" funds. Counterpart funds are those foreign currencies credited to the United States, in return for aid, which may be spent only in the country of origin. Such currencies are made available for Members abroad on the business of certain committees.⁽⁷⁾ The use of counter-

part funds is limited by statute and must be specifically authorized.⁽⁸⁾ Any overseas travel by a committee member must be reported in detail, showing the number of days visited in each country, the amount of subsistence furnished, and the cost of the transportation. Printed forms for the purpose of making such reports are furnished by the Committee on House Administration. In addition, each committee must file an annual report on the funds spent by Congressmen and committee staff members traveling overseas on official business.⁽⁹⁾

Forms

Forms of joint resolution appropriating mileage allowances for Mem-

4. For funding of committee business, see Ch. 17, *infra*.
5. See §6.5, *infra*. By statute, Members appointed to attend funeral ceremonies of deceased Members receive reimbursement for travel expenses. 2 USC § 124.
6. Regulations of Travel Expenses, issued by the Committee on House Administration, Mar. 1, 1971, p. 3.
7. See 2 USC § 1754(b).

8. See §§ 6.8, 6.9, *infra*, for instances of restrictions placed on overseas travel by the House. See also the reporting requirements and per diem restrictions of 2 USC § 1754(b).
9. For a summary of the House regulations relating to reimbursed overseas travel, see Regulations: Travel and Other Expenses of Committees and Members, Committee on House Administration, p. 2, 91st Cong., Jan. 1, 1970.

Congress may also restrict private funding of overseas travel for Congressmen; the 86th Congress agreed to an amendment to a ship construction subsidy bill which restricted free or reduced rate transportation for all federal employees. Pub. L. No. 86-607, 74 Stat. 362, July 7, 1960.

bers and others incident to a special session of Congress.

Resolved, etc., That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of expenses incident to the second session of the Seventy-sixth Congress, namely:

. . . For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska, \$171,000.⁽¹⁰⁾

Jurisdiction Over Travel

§ 6.1 The Committee on House Administration has jurisdiction over travel allowances and their adjustment.

The Committee on House Administration, created by the Legislative Reorganization Act of 1946,⁽¹¹⁾ has jurisdiction over measures relating to travel and has the added function of reporting to the Sergeant at Arms the travel of Members.⁽¹²⁾

Adjustments to Travel Allowances

§ 6.2 The Committee on House Administration became authorized by law in the 92d

10. 85 CONG. REC. 16, 76th Cong. 2d Sess., Sept. 25, 1939.

11. 60 Stat. 812.

12. *House Rules and Manual* §693 (1973).

Congress to periodically renew and adjust the travel allowances of Members.

On July 21, 1971, the House agreed to House Resolution 457,⁽¹³⁾ later enacted into permanent law,⁽¹⁴⁾ a privileged resolution reported from the Committee on House Administration, which empowered that committee to periodically review and adjust the allowances of Members without requiring any action by the House.

During debate on the resolution, it was stated by Mr. Frank Thompson, Jr., of New Jersey, a member of the committee, that adjustment of allowances by the committee would be submitted to the House and printed in the *Congressional Record* on the day following a decision.⁽¹⁵⁾

House Resolution 457 read as follows:

Resolved, That (a) until otherwise provided by law, the Committee on House Administration may, as the committee considers appropriate, fix and adjust from time to time, by order of the committee, the amounts of allowances (including the terms, condi-

13. 117 CONG. REC. 26451, 92d Cong. 1st Sess.

14. 2 USC §57, enacted by Pub. L. No. 92-184, Ch. 4, 85 Stat. 636, Dec. 15, 1971.

15. 117 CONG. REC. 26445, 92d Cong. 1st Sess.

tions, and other provisions pertaining to those allowances) within the following categories:

(1) for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia—allowances for clerk hire, postage stamps, stationery, telephone and telegraph and other communications, official office space and official office expenses in the congressional district represented (including, as applicable, a State, the Commonwealth of Puerto Rico, and the District of Columbia), official telephone services in the congressional district represented, and travel and mileage to and from the congressional district represented; and

(2) for the standing committees, the Speaker, the majority and minority leaders, the majority and minority whips, the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster of the House of Representatives—allowances for postage stamps, stationery, and telephone and telegraph and other communications.

(b) The contingent fund of the House of Representatives is made available to carry out the purposes of this resolution.

§ 6.3 On several occasions, the Committee on House Administration has submitted orders to the House adjusting the travel allowance of Members and their employees.

On Dec. 8, 1971,⁽¹⁶⁾ Mr. Frank Thompson, Jr., of New Jersey, a

16. 117 CONG. REC. 45608, 45609, 92d Cong. 1st Sess.

member of the Committee on House Administration, submitted Order No. 2 of that committee, adjusting the travel allowance of House Members, pursuant to authority delegated to that committee by the House:

TO ADJUST THE ALLOWANCE FOR TRAVEL OF MEMBERS AND STAFF TO AND FROM CONGRESSIONAL DISTRICTS

Resolved, That effective January 3, 1971, until otherwise provided by order of the Committee on House Administration;

(a) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by Members (including the Resident Commissioner from Puerto Rico and the Delegate from the District of Columbia) in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in the district which he represents, for not more than 24 round-trips during each Congress, such reimbursement to be made in accordance with rules and regulations established by the Committee on House Administration of the House of Representatives.

(b) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by employees in the office of a Member (including the Resident Commissioner from Puerto Rico and the Delegate from the District of Columbia) for not more than four round-trips during any Congress between Washington, District of Columbia, and any point in the Congressional

district represented by the Member. Such payment shall be made only upon vouchers approved by the Member, containing a certification by him that such travel was performed on official duty. The Committee on House Administration shall make such rules and regulations as may be necessary to carry out this section.

(c) This order shall not affect any allowance for travel of Members of the House of Representatives (including the Resident Commissioner from Puerto Rico and the Delegate from the District of Columbia) which is authorized to be paid from funds other than the contingent fund of the House of Representatives.⁽¹⁷⁾

On Oct. 5, 1972,⁽¹⁸⁾ Mr. Frank Thompson, Jr., of New Jersey, submitted a revised Order No. 2 as follows:

COMMITTEE ON HOUSE ADMINISTRATION: ORDER NO. 2—REVISED—TO ADJUST THE ALLOWANCE FOR TRAVEL OF MEMBERS AND STAFF TO AND FROM CONGRESSIONAL DISTRICTS

Resolved, That effective January 3, 1973, until otherwise provided by order of the Committee on House Administration;

(a) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by Members (including the Resident Commissioner from

Puerto Rico) in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in the district which he represents, for not more than 36-round trips during each Congress, such reimbursement to be made in accordance with rules and regulations established by the Committee on House Administration of the House of Representatives.

(b) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by employees in the office of a Member (including the Resident Commissioner from Puerto Rico) for not more than 6-round trips during any Congress between Washington, District of Columbia and any point in the Congressional district represented by the Member. Such payment shall be made only upon vouchers approved by the Member, containing a certification by him that such travel was performed on official duty. The Committee on House Administration shall make such rules and regulations as may be necessary to carry out this section.

(c) A Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) may elect to receive in any Congress, in lieu of reimbursement of transportation expenses for such Congress is authorized in paragraph (a) above, a lump sum transportation payment of \$2,250 for each Congress. The Committee on House Administration of the House of Representatives shall make such rules and regulations as may be necessary to carry out this section.

(d) This order shall not affect any allowance for travel of Members of the House of Representatives (including

17. For the allowance prior to the order, see 2 USC §43(b), as amended by Pub. L. No. 90-86, 81 Stat. 226, Sept. 17, 1967.

18. 118 CONG. REC. 34177, 92d Cong. 2d Sess.

the Resident Commissioner from Puerto Rico) which is authorized to be paid from funds other than the contingent fund of the House of Representatives.

§ 6.4 Bills increasing the amount of allowable reimbursement for travel expenses for Members and their employees are not called up as privileged.

On Aug. 4, 1965,⁽¹⁹⁾ a bill to increase the number of reimbursable round trips to the home district for each Member and for his employees was not called up as privileged since it amended existing law, although it did provide for expenditure from the contingent fund.

Similarly, on June 25, 1963,⁽¹⁾ the bill amending the Legislative Branch Appropriation Act of 1959 to provide for reimbursement of transportation expenses for Members for additional trips to their home districts was reported and called up as not privileged.

Travel for Appointees to Boards and Commissions

§ 6.5 The House adopted a privileged resolution appropriating from the contingent

19. 111 CONG. REC. 19426, 89th Cong. 1st Sess.

1. 109 CONG. REC. 11528, 88th Cong. 1st Sess.

fund expenses for committee members to attend a meeting of a United Nations agency.

On Nov. 9, 1943,⁽²⁾ the House adopted a privileged resolution from the Committee on Accounts (H. Res. 349):

Resolved, That there shall be paid out of the contingent fund a sum not to exceed \$500 to defray the actual expenses of such members of the Committee on Foreign Affairs as may be designated by the chairman thereof, to attend the meeting of the United Nations Relief and Rehabilitation Administration at Atlantic City, N.J., beginning Wednesday, November 10, 1943, on vouchers signed by the chairman and approved by the Committee on Accounts.

§ 6.6 Members of a committee appointed to attend an international conference were authorized by resolution to use foreign currencies credited to the United States for travel expenses, where the resolution granting the committee its investigatory authority in the same Congress did not authorize foreign travel.

On May 29, 1963, the House adopted a resolution called up by Mr. B. F. Sisk, of California, by direction of the Committee on

2. 89 CONG. REC. 9337, 78th Cong. 1st Sess.

Rules, relating to foreign travel by members of the Committee on Education and Labor:

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a member from the majority and a member from the minority of the Committee on Education and Labor to attend the International Labor Organization Conference in Geneva, Switzerland, between June 1, 1963, and June 30, 1963.

He is further authorized to appoint as alternates a member from the majority and a member from the minority of the said committee.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the aforesaid delegates and alternates from the Committee on Education and Labor of the House of Representatives engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, (1) That no member of said committee shall receive or expend local currencies for subsistence in an amount in excess of the maximum per diem rates approved for oversea travel as set forth in the Standardized Government Travel Regulations, as revised and amended by the Bureau of the Budget; (2) that no member of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee in any country where counterpart funds are available for this purpose.

That each member of said committee shall make to the chairman of said

committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the U.S. Government, the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.⁽³⁾

The resolution authorizing the use of "counterpart" funds for the appointees was necessary, since the resolution adopted in the 88th Congress granting the Committee on Education and Labor investigatory authority (H. Res. 103) did not authorize foreign travel or the use of such funds for foreign travel.

Travel for Extra Sessions

§ 6.7 The House by resolution authorized the Clerk to pay from the contingent fund to the Sergeant at Arms an amount to cover additional mileage for Members for attendance at a meeting of Congress at a date earlier than that to which adjourned.

On Aug. 7, 1948,⁽⁴⁾ the House adopted the following resolution,

3. 109 CONG. REC. 9799, 88th Cong. 1st Sess.
4. 94 CONG. REC. 10247, 80th Cong. 2d Sess.

subsequent to the convening of Congress on a date earlier than that to which it had adjourned:

Resolved, That the Clerk of the House of Representatives is authorized and directed to pay to the Sergeant at Arms of the House of Representatives not to exceed \$171,000 out of funds appropriated under the head "Contingent expenses of the House," fiscal year 1949, for additional mileage of Members of the House of Representatives, Delegates from Territories, and the Resident Commissioner from Puerto Rico, at the rate authorized by law.

Parliamentarian's Note: The Congress had adjourned from June 20, 1948, to Dec. 31, 1948. The President called the Congress back into session by proclamation on July 26, 1948, for the consideration of legislation mentioned in his message to Congress on July 27, 1948.

Overseas Travel

§ 6.8 The House adopted in the 88th Congress resolutions with committee amendments, reported from the Committee on Rules, authorizing committees to conduct investigations but restricting their use of counterpart funds (local foreign currencies owned by the United States).⁽⁵⁾

5. For regulations promulgating per diem reimbursement limits and re-

On Jan. 31, 1963, and Feb. 18, 1963, the Committee on Rules offered a number of resolutions authorizing certain House committees to conduct investigations. The committee offered amendments to each of those resolutions in relation to the use by committee members of "counterpart" funds, i.e., foreign currencies, credited to the United States in return for aid, which may be spent only in the country of origin.⁽⁶⁾ The amendments agreed to by the House were those limiting overseas travel for Members to a maximum per diem rate, limiting expenses to actual transportation, and requiring counterpart funds to be exhausted before appropriated funds were used.⁽⁷⁾

porting requirements on overseas travel for committee members, see Regulations: Travel and Other Expenses of Committee and Members, Committee on House Administration, 92d Cong., Mar. 1, 1971. For the statutory limitations and reporting requirements on use of such funds, passed into law in the 88th Congress, see 22 USC §1754, as amended by Pub. L. No. 88-633, Pt. IV, §402, 78 Stat. 1015, Oct. 7, 1964.

6. For a discussion of counterpart funds, past abuses in relation to them, and the purposes of the committee amendments, see the discussion at 109 CONG. REC. 1556-59, 88th Cong. 1st Sess., Jan. 31, 1963.

7. *Id.* at p. 1547.

For 10 other House committees, the House agreed to amendments authorizing no counterpart funds for members of those committees.⁽⁸⁾ However, denial of such authorization did not preclude a committee from requesting specific authorization of the Committee on Rules for overseas travel funds for specific purposes.⁽⁹⁾

§ 6.9 Where members of a committee have no authority, under the committee's investigatory resolution, to travel overseas or to use foreign currencies while on committee business, the House may grant such authority when the Speaker appoints members of that committee as delegates to an international conference.

On May 31, 1963, Speaker John W. McCormack, of Massachusetts, appointed several delegates from the Committee on Education and Labor to attend the International Labor Organization Conference in Switzerland.⁽¹⁰⁾ By virtue of that appointment, the delegates were authorized to travel overseas on

official business and to use foreign currencies credited to the United States (pursuant to H. Res. 368) although the House Committee on Rules had previously disallowed use of governmental funds for overseas travel by members of the Committee on Education and Labor.⁽¹¹⁾

§ 7. Franking

The franking privilege is the statutory right of Representatives to send certain material through the United States' mails without postage cost to themselves,⁽¹²⁾ the cost being paid from public revenues.⁽¹³⁾ Members, along with

8. *Id.* at pp. 1547–59; see also 109 CONG. REC. 2463, 88th Cong. 1st Sess., Feb. 18, 1963.
9. 109 CONG. REC. 1548, 1549, 1552, 88th Cong. 1st Sess., Jan. 31, 1963.
10. 109 CONG. REC. 9896, 88th Cong. 1st Sess.

11. 109 CONG. REC. 1553, 88th Cong. 1st Sess., Jan. 31, 1963. See § 6.6, *supra*, for further discussion.
12. For a statutory synopsis, see *House Rules and Manual* § 984 (1973). See also "Law and Regulations Regarding Use of the Congressional Frank," Subcommittee on Postal Service, Committee on Post Office and Civil Service, 92d Cong. 1st Sess. (1971).
Case decisions on the franking privilege are summarized in "The Franking Privilege of Members of Congress," special report of the Joint Committee on Congressional Operations, 92d Cong. 2d Sess. (Oct. 16, 1972).
13. Postage on franked correspondence is paid by a lump-sum appropriation to the legislative branch, which revenue is then paid to the postal service. 39 USC § 3216(a).